



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 08 2013

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Weber, President
Gem City Chemicals, Inc.
1287 Air City Avenue
Dayton, Ohio 45404



Re: Request for Information Pursuant to Section 104(e) of CERCLA
Valley Pike VOC Site
Riverside, Ohio
Site Spill Identification Number: C5U2

Dear Mr. Weber:

This letter seeks your cooperation in providing information and documents relating to contamination at the Valley Pike VOC Site (VPV Site). The VPV Site is located in Riverside, Montgomery County, Ohio. At this time, the approximate boundaries of the VPV Site are the Mullins Rubber Products, Inc. facility on the east, Pleasant Valley Avenue on the west, Bushnell and Hypathia Avenues on the north and Valley Pike Road on the south. Recent inspections of the VPV Site by EPA and the Ohio Environmental Protection Agency have found that tetrachloroethene (TCE) and trichloroethene (PCE), hazardous substances, are present in groundwater, soil, sub-slab vapor, and indoor air. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601-9675, commonly known as "CERCLA" or "Superfund", gives the U.S. Environmental Protection Agency the authority to, among other things: (a) assess contaminated sites, (b) determine the threats to human health and the environment posed by each site and (c) clean up those sites in the order of the relative threats posed by each.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the VPV Site and is seeking additional information concerning the generation, storage, treatment, transportation and methods used to dispose of such substances. In addition, EPA is identifying activities, materials and parties that contributed to contamination at the VPV Site. EPA believes that you might have information which may assist the Agency in its efforts.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions (Enclosure B) within fourteen (14) calendar days of your receipt of this letter.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting maybe considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the VPV Site or may be responsible for the contamination at the VPV Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Instructions on how to respond to the questions in Enclosure B of this document are described in Enclosure A. Your response to this Information Request should be mailed to:

Grace Co, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the VPV Site, the nature of the environmental conditions at the VPV Site or the status of cleanup activities, please contact Steven Renninger, On-Scene Coordinator, at (513) 569-7539 or Richard Murawski, Associate Regional Counsel, at (312) 886-6721. However, if you have specific questions about the Information Request, please contact Grace Co, Enforcement Specialist, at (312) 353-6779. We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jaffess", with a long horizontal flourish extending to the right.

Sharon Jaffess, Chief
Enforcement & Compliance Assurance Branch

Enclosure:

- A - Instructions and Definitions
- B - Information Requests

Enclosure A
Instructions and Definitions
Valley Pike VOC Site

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control; please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- (a) the portions of the information alleged to be entitled to confidential treatment;
- (b) the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);
- (c) measures taken by you to guard against the undesired disclosure of the information to others;

- (d) the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, Section 3007(b) of RCRA or 40 C.F.R. Section 2.203(b). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."
9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term “**arrangement**” means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term “**documents**” includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term “**facility**” shall have the same definition as that contained in Section 101(9) of CERCLA and includes the Mullins Rubber Products, Inc. facility located at 2949 Valley Pike Road, Riverside, Ohio.
4. The term “**hazardous substance**” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term “**identify**” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
6. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term “**identify**” means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
7. The term “**material**” or “**materials**” shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
8. The term “**person**” shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
9. The term “**pollutant or contaminant**” shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term “pollutant or contaminant” shall not include petroleum.
10. The term “**real estate**” shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

11. The term **"release"** shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
12. The term **"site"** shall mean the **VPV Site** located in Riverside, OH.
13. The term **"waste"** or **"wastes"** shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
14. The term **"you"** or **"Respondent"** shall mean **Tom Weber or Gem City Chemicals, Inc.** The term **"you"** also includes any officers, managers, employees, contractors, trustees, successors, assigns and agents of **Gem City Chemicals, Inc.**

Enclosure B
Information Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these requests, and provide copies of all such documents. If any of the documents solicited in this information request are no longer available, please state the reason why they are no longer available.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Did you or Gem City Chemical, Inc. sell, supply, or otherwise deliver tetrachloroethylene (aka perchloroethylene or PCE) to Mullins Rubber Products, Inc. (MRP) or the facility located at 2949 Valley Pike Road, Riverside, Ohio? If so, please identify the dates on which you sold, supplied, or otherwise delivered PCE and the quantities of PCE sold, supplied, or otherwise delivered. Provide a copy of all documentation concerning such transactions.



United States
Environmental Protection

Agency *Co SE-5J*
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Tom Weber
Gem City Chemicals Inc
1287 Air City Ave.
Dayton, OH 45404

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